

**ENTERED**

February 19, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

THAI HOANG DUY	§	CIVIL ACTION No
NGUYEN,	§	4:25-cv-00346
(A#05736164)	§	
Petitioner,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
RANDY TATE, and	§	
ELLEN HENRY,	§	
Respondents.	§	

**ORDER**

Vietnamese national Thai Hoang Duy Nguyen (A#05736164) is presently in custody of United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) officials at a local detention facility, awaiting removal from the United States. He has filed a petition for a writ of *habeas corpus* under 28 USC §2241. Dkt 1.

Preliminary examination of the petition indicates that an answer is needed. Accordingly, pursuant to 28 USC §2241, *et seq*, it is ORDERED as follows:

1. The Clerk shall deliver copies of the petition (Dkt 1) and this Order to the US Marshal for service by delivery upon the Interim United States Attorney for the Southern District of Texas, Nicholas Ganjei.
2. The Clerk shall serve copies of the petition (Dkt 1) and this Order by certified mail upon: (1) the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania

Avenue NW, Washington, D.C. 20530-0001; and (2) Warden Randy Tate, Montgomery Processing Center, 806 Hilbig Road, Conroe TX 77301.

3. The proper Respondent shall file an answer or other appropriate responsive pleading within **sixty (60)** days of the date of service and to forward a copy of same to Petitioner.
4. In addition to any defense (in law or fact) to a claim for relief by Petitioner, Respondent's answer shall contain: (a) a statement of the authority by which Petitioner is held and, if held under the judgment of a court or administrative tribunal, the name of such court or tribunal and the number and style of the case(s) in which those judgments were entered; and (b) a statement as to whether Petitioner has exhausted all available administrative remedies.
5. After Respondent files an answer or other pleading in response to the petition, Petitioner shall file any reply within **thirty (30)** days of the date shown on the certificate of service. Petitioner's failure to file a response within thirty days may result in dismissal of this action without further notice pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure.
6. Each party shall serve the other party, or counsel, with a copy of every pleading, letter or other document submitted for consideration by the court; service shall be by mail to the other party. Every pleading or document filed with the Clerk of Court shall contain a signed certificate stating the date a true and correct copy of the pleading or document was mailed and to whom mailed. Any pleading or other document received by the Clerk which fails to include the certificate of service will be returned to the submitting party. Failure to


mail a copy of the pleadings as certified by the certificate will subject Petitioner to sanctions by the Court. There will be no direct communications with the US District Judge or Magistrate Judge. Communications must be submitted to the Clerk with copies to the other party.

7. Petitioner must notify the court of any change of address by filing a written notice of change of address with the Clerk. Petitioner must also notify any counsel of record for Respondent. Failure to provide such notice may result in this case being dismissed for want of prosecution.

Petitioner's motion to proceed *in forma pauperis* is also GRANTED. Dkt 2.

SO ORDERED.

Signed on February 18, 2025, at Houston, Texas.

  
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Hon. Charles Eskridge  
United States District Judge